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Ser. No.: 09/865,993

Filing Date: May 25, 2001

Docket No. ISIS0064-100/RTS-0175

Title: ANTISENSE MODULATION OF DUAL SPECIFIC PHOSPHATASE 5 *EXPRESSION* Pages to Follow: 10

Sender's Name: Paul K. Legaard

Date: July 23, 2004

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|-----------------------|--------------|----------------|
| Examiner Jane J. Zara | USPTO        | (703) 872-9306 |

MESSAGE: OFFICIAL FACSIMILE

PLEASE DELIVER TO EXAMINER Jane J. Zara  
ATTACHED IS:

1. Transmittal Form (1 page)
2. Request For Continued Examination (RCE) Transmittal (1 page)
3. Fee Transmittal for FY 2004 (1 page)
4. Petition For Extension Of Time Under 37 CFR 1.136(a) (1 page)
5. Amendment And Request for Reconsideration (6 pages)

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# Request For Continued Examination (RCE) Transmittal

Address to:  
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|                        |                        |
|------------------------|------------------------|
| Application Number     | 09/865,993             |
| Filing Date            | May 25, 2001           |
| First Named Inventor   | Brett P. Monia         |
| Art Unit               | 1635                   |
| Examiner Name          | Jane J. Zara           |
| Attorney Docket Number | #ISIS0064-100/RTS-0175 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☒ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_


- i. ☐ RCE fee required under 37 C.F.R. 1.17(e)  
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)


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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                    |   |                                   |               |
|--------------------|---|-----------------------------------|---------------|
| Name (Print /Type) | Paul K. Legaard   | Registration No. (Attorney/Agent) | 38,534        |
| Signature          |  | Date                              | July 23, 2004 |

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| Signature          |  |
| Date               | July 23, 2004   |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (04-04)

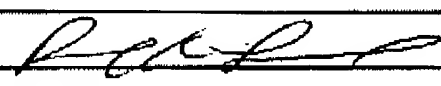
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| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number     | 09/865,993            |
|  | Filing Date            | May 25, 2001          |
|  | First Named Inventor   | Brett P. Monla        |
|  | Art Unit               | 1635                  |
|  | Examiner Name          | Jane J. Zara          |
| Total Number of Pages in This Submission   | Attorney Docket Number | ISIS0064-100/RTS-0175 |

| ENCLOSURES (check all that apply)  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment / Reply<br><br><input checked="" type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input checked="" type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s)<br><i>(please identify below):</i><br><br><b>Request For Continued Examination (RCE) Transmittal</b> |
| Remarks  |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Paul K. Legaard/38,534  |
| Signature                                  |  |
| Date                                       | July 23, 2004   |

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1610

## Complete if Known

Application Number 09/865,993  
Filing Date May 25, 2001  
First Named Inventor Brett P. Monia  
Examiner Name Jane J. Zera  
Art Unit 1635  
Attorney Docket No. ISIS0064-100/136653/RTS-0175

| METHOD OF PAYMENT (check all that apply)   |              | FEE CALCULATION (continued)   |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
|--|--------------|---|--------------|-----------------|--------------|-----------------|----------|--------------------|----------|--------------------|----------|-------------------|----------|-------------------|----------|------------------|----------|------------------|----------|--------------------|----------|--------------------|---------|------------------------|---------|------------------------|--|--------------|-------|---|-------|--------------|--------------|-----------------|----------|---------|--------|------------------------|--|---------|---------|-----------------------------------|--|----------|----------|---------------------------------------|--|---------|---------|--|--|---------|--------|--|--|--------------|--|--|--------|
| <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None<br><input checked="" type="checkbox"/> Deposit Account:<br>Deposit Account Number 50-1276<br>Deposit Account Name Cozen O'Connor<br>The Director is authorized to: (check all that apply)<br><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments<br><input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application<br><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. |              | <b>3. ADDITIONAL FEES</b><br><table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001 770</td><td>2001 385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002 340</td><td>2002 170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003 530</td><td>2003 265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004 770</td><td>2004 385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>(\$0)</td></tr> </tbody> </table> |              | Large Entity    | Small Entity | Fee Description | Fee Paid | 1001 770           | 2001 385 | Utility filing fee |          | 1002 340          | 2002 170 | Design filing fee |          | 1003 530         | 2003 265 | Plant filing fee |          | 1004 770           | 2004 385 | Reissue filing fee |         | 1005 160               | 2005 80 | Provisional filing fee |  | SUBTOTAL (1) |       |   | (\$0) |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| Large Entity   | Small Entity | Fee Description   | Fee Paid     |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1001 770   | 2001 385     | Utility filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1002 340   | 2002 170     | Design filing fee   |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1003 530   | 2003 265     | Plant filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1004 770   | 2004 385     | Reissue filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1005 160   | 2005 80      | Provisional filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| SUBTOTAL (1)   |              |   | (\$0)        |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| <b>1. BASIC FILING FEE</b><br><table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001 770</td><td>2001 385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002 340</td><td>2002 170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003 530</td><td>2003 265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004 770</td><td>2004 385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>(\$0)</td></tr> </tbody> </table>   |              | Large Entity  | Small Entity | Fee Description | Fee Paid     | 1001 770        | 2001 385 | Utility filing fee |          | 1002 340           | 2002 170 | Design filing fee |          | 1003 530          | 2003 265 | Plant filing fee |          | 1004 770         | 2004 385 | Reissue filing fee |          | 1005 160           | 2005 80 | Provisional filing fee |         | SUBTOTAL (1)           |  |              | (\$0) | <b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b><br><table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201 86</td><td>2201 43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203 290</td><td>2203 146</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204 86</td><td>2204 43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205 18</td><td>2205 9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (2)</td><td>(\$54)</td></tr> </tbody> </table> |       | Large Entity | Small Entity | Fee Description | Fee Paid | 1202 18 | 2202 9 | Claims in excess of 20 |  | 1201 86 | 2201 43 | Independent claims in excess of 3 |  | 1203 290 | 2203 146 | Multiple dependent claim, if not paid |  | 1204 86 | 2204 43 | ** Reissue independent claims over original patent |  | 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |  | SUBTOTAL (2) |  |  | (\$54) |
| Large Entity   | Small Entity | Fee Description   | Fee Paid     |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1001 770   | 2001 385     | Utility filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1002 340   | 2002 170     | Design filing fee   |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1003 530   | 2003 265     | Plant filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1004 770   | 2004 385     | Reissue filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1005 160   | 2005 80      | Provisional filing fee  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| SUBTOTAL (1)   |              |   | (\$0)        |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| Large Entity   | Small Entity | Fee Description   | Fee Paid     |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1202 18  | 2202 9       | Claims in excess of 20  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1201 86  | 2201 43      | Independent claims in excess of 3   |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1203 290   | 2203 146     | Multiple dependent claim, if not paid   |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1204 86  | 2204 43      | ** Reissue independent claims over original patent  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| 1205 18  | 2205 9       | ** Reissue claims in excess of 20 and over original patent  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| SUBTOTAL (2)   |              |   | (\$54)       |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |
| Total Claims 23 -20 ** = 3 X 18 = 54<br>Independent Claims 2 -3 ** = 0 X 0 = 0<br>Multiple Dependent X 0 = 0   |              | Other fee (specify) _____<br>*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$1610)  |              |                 |              |                 |          |                    |          |                    |          |                   |          |                   |          |                  |          |                  |          |                    |          |                    |         |                        |         |                        |  |              |       |   |       |              |              |                 |          |         |        |                        |  |         |         |                                   |  |          |          |                                       |  |         |         |  |  |         |        |  |  |              |  |  |        |

| SUBMITTED BY      |                 | Complete if applicable            |               |
|-------------------|-----------------|-----------------------------------|---------------|
| Name (Print/Type) | Paul K. Legrand | Registration No. (Attorney/Agent) | 39,534        |
| Signature         |                 | Telephone                         | 215.665.8514  |
|                   |                 | Date                              | July 23, 2004 |

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**DOCKET NO: ISIS0064-100 (RTS-0175)**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re application of: Monia and Watt**

**Serial No.: 09/865,993**

**Group Art Unit: 1635**

**Filed: May 25, 2001**

**Examiner: Janc J. Zara**

**Title: ANTISENSE MODULATION OF DUAL SPECIFIC PHOSPHATASE 5  
EXPRESSION**

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**Dear Sir:**

**AMENDMENT AND REQUEST FOR RECONSIDERATION**

This Amendment and Request for Reconsideration is filed along with the Request for Continued Examination (RCE) filed herewith in connection with the above-identified patent application. Applicants respectfully request that the application be amended as follows.